## UNTITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE NORTHERN DIVISION

TERRY A. CHUMLEY	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>Docket No. 3:08-cv-273</b>
	)	Varlan/Guyton
	)	•
CAMERON-BROWN COMPANY,	)	TWELVE MEMBER JURY
CITIMORTGAGE, INC., and	)	DEMANDED
WILSON AND ASSOCIATES	)	
Defendants.	ĺ	

## **NOTICE OF VOLUNTARY DISMISSAL AS TO**

## **DEFENDANT CAMERON-BROWN COMPANY**

COMES NOW Plaintiff, TERRY A. CHUMLEY, by and through counsel, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, respectfully gives notice to this Honorable Court of the Plaintiff asserting its right to take a Voluntary Non-Suit as to Defendant CAMERON-BROWN COMPANY only. For this motion, Plaintiff would show:

- Plaintiff filed his Verified Complaint on June 26th, 2008 in the Circuit Court for Knox County, Tennessee.
  - 2. Defendant Cameron-Brown Company has not filed an answer in this matter.
- 3. In discussions with Defendant Cameron-Brown, and based upon statements made by Counsel for Defendant Cameron-Brown, Counsel has a good faith belief that Defendant Cameron-Brown is not a proper party to sue in this action
- 4. Defendant CitiMortgage filed a Notice of Removal to Federal Court on July 15<sup>th</sup>, 2008.
  - 5. Plaintiff respectfully gives notice to this Honorable Court of its intent to take a

Voluntary Dismissal of this action.

- 7. Plaintiff has not previously filed a notice of Non-suit in this case.
- 8. Plaintiff reserves the right to re-file this action should facts become known requiring Defendant Cameron-Brown Company to become a party to this suit again.

Respectfully submitted, this the 6<sup>th</sup> day of August, 2008.

//s// John M. Boucher Jr.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on August 6<sup>th</sup>, 2008, a copy of the foregoing Notice of Voluntary Dismissal was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

Cameron-Brown Company Corporation Service Company 2908 Poston Avenue Nashville, Tennessee 37203

Respectfully submitted this 6<sup>th</sup> day of August, 2008.

//s// John M. Boucher Jr.

JOHN M. BOUCHER, JR. # 022446 McGehee, Stewart, Cole, Dupree and Roper, P.A. P.O. Box 57 Knoxville, TN 37901 (865) 281-8400 ATTORNEY FOR PLAINTIFF